

Adopted.

On motion of Senator Burney,
The Senate adjourned till 10 o'clock
to-morrow morning.

NINTH DAY.

SENATE CHAMBER,
AUSTIN, January 17, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the chaplain, Dr. Smoot.

On motion of Senator Burges,

The reading of the Journal was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Maetze:

Petition of C. A. Kiecke, of Washington county, against oppression by railroads.

Referred to Committee on Internal Improvements.

REPORTS OF STANDING COMMITTEES.

COMMITTEE ROOM,
AUSTIN, January 17, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred

Senate bill No. 88, entitled "An act to amend articles 4756 and 4758, title 95, chapter 4, Revised Civil Statutes of the State of Texas, and to add thereto article 4756a, so as to provide a lien in favor of purchasers at tax sale, when such are invalid by reason of informalities in assessment rolls,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

JARVIS,
Chairman.

Bill read first time.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, January 17, 1889.

Hon. T. B. Wheeler, President of the Senate.

Your Committee on Engrossed Bills

have carefully examined and compared Senate bill No. 8, being "An act to amend an act to amend article 318, chapter 4, title 9, of the Penal Code of the State of Texas, passed by the Twentieth Legislature and approved February 24, 1887," and find the same correctly engrossed.

CRANFORD,
Chairman.

(Senator McDonald, President *pro tem.*, in the chair.)

By Senator Sims:

COMMITTEE ROOM,
AUSTIN, January 17, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 80, entitled "An act to repeal an act to provide for the election of a district attorney in the Eighteenth judicial district of the State of Texas, approved March 15, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SIMS,
Chairman.

Bill read first time.

By Senator Kimbrough:

COMMITTEE ROOM,
AUSTIN, January 17, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred

Senate bill No. 84, entitled "An act for the relief of Wm. Evans for loss of schooner Josephine and personal effects, incurred in the quarantine service of the State of Texas, about the eighteenth of October, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Strike out "two thousand two hundred," and insert "twelve hundred"

Strike out after the word "Josephine" the words "and certain personal effects."

Strike out of caption the words "and personal effects."

All of which is respectfully submitted.

KIMBROUGH,
Chairman.

Bill read first time.

(The President in the chair.)

By Senator McDonald:

COMMITTEE ROOM,
AUSTIN, January 16, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 71, entitled "An act to amend article 978, title 24, chapter 24 of an act to adopt and establish the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to the Committee on Finance.

All of which is respectfully submitted.

MCDONALD,
Chairman.

The President referred the bill to Finance Committee.

BILLS AND RESOLUTIONS.

By Senator Morris:

A bill to be entitled "An act to amend section 9 of an act entitled an act in relation to assignments for the benefit of creditors, and to regulate the same and the proceedings thereunder, approved March 24, A. D. 1879."

[This bill includes mortgaged property as a fraudulent transfer in such cases.]

Referred to Judiciary Committee No. 1.

By Senator Glasscock:

A bill to be entitled "An act amendatory of, and supplementary to, title 87, chapter 1, of the Revised Civil Statutes of the State of Texas, from articles 4359 to 4390, inclusive, and the acts amendatory thereof, passed at the called session of the Eighteenth Legislature, chapter 11, approved February 2, 1884, and chapter 13, approved February 5, 1884; chapter 29, approved February 7, 1884; and acts of Nineteenth Legislature, page 92, chapter 102, approved March 31, 1885, and to repeal all of chapters 2, 3 and 4 of title 87, pertaining to roads and bridges, and to authorize the commis-

sioners' court to levy a tax and issue bonds to repair and improve the public roads of their respective counties, and to authorize the commissioners to order elections to ascertain if any county or subdivision thereof are willing to be taxed to improve and keep in repair their public roads, and to repeal all laws or parts of laws not therein excepted which are in conflict with this act."

Referred to Committee on Roads and Bridges.

A bill to be entitled "An act to create the office of county road overseer of the public roads in the organized counties of the State, and to prescribe the duties and powers of such officer, and to affix a penalty for violating the same, and to provide for a salary for such officers."

[This bill provides that said road overseer shall be elected as other county officers, that his salary shall be not less than five hundred nor more than fifteen hundred dollars, to be fixed by the commissioners' court, and that he shall give bond for the faithful performance of his duties.]

Referred to Committee on Roads and Bridges.

By Senator Stephens:

A bill to be entitled "An act declaring all lands in the county of Greer to be part of the vacant and unappropriated public domain of the State of Texas, and setting apart the same for settlement by actual settlers only, under the homestead donation laws of the State, and to repeal all laws in conflict therewith."

Referred to Committee on Public Lands.

By Senator Kimbrough:

A bill to be entitled "An act to place the University lands under the control and management of the Board of Regents."

Referred to the Committee on Public Lands.

A bill to be entitled "An act to amend article 76, chapter 5, title 2 of the Code of Criminal Procedure of the State of Texas."

[This bill seeks to give justices of the peace exclusive jurisdiction in criminal cases in which the punishment is by fine only, and not exceeding two hundred dollars.]

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to

amend article 2916, title 53, chapter 1 of the Revised Statutes."

[Extending the capital stock of a company to the bonds of any county or incorporated town or city.]

Referred to Judiciary Committee No. 1.

By Senator McDonald:

A bill to be entitled "An act to insure the collection of fines in misdemeanor cases, and to make the officers charged with the collection thereof civilly and criminally liable for failure to collect the same."

Referred to Judiciary Committee No. 1.

A bill to be entitled "An act to legalize the donation of property, to establish or assist in establishing professorships or scholarships in the University of Texas, or any of its branches, and to provide for the security and protection of their benefits in accomplishing the objects of their donors."

Bill read first time and

Referred to Committee on Education.

By Senator Atlee:

A bill to be entitled "An act to amend article 1706 of the Revised Statutes of the State of Texas, providing for opening and estimating election returns."

Referred to the Committee on Privileges and Elections.

By Senator Lane:

A bill to be entitled "An act to facilitate the giving of bonds required by law."

[Permits any company incorporated and organized under the laws of Texas or any other State, by conforming to given requirements, to be accepted as surety upon the bond of a person or corporation.]

Referred to Judiciary Committee No. 1.

By Senator Pope:

A bill to be entitled "An act to prevent unlawful agreements and combinations in restraint of trade, and providing punishment therefor."

Referred to Judiciary Committee No. 1.

Senator Claiborne offered the following resolution:

Resolved, That the Secretary of the Senate be instructed to have printed for the use of the Senate 2500 copies each of the inaugural addresses of the Governor and Lieutenant-Governor.

The yeas and nays were called for and

The vote stood as follows:

YEAS—14.

Armistead,	McDonald,
Atlee,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Jarvis,	Tyler,
Lane,	Upshaw,
Maetze,	Woodward.

NAYS—14.

Allen,	Glasscock,
Burges,	Harrison,
Burney,	Johnson,
Davis,	Kimbrough,
Douglass,	Simkins,
Field,	Sims,
Frank,	Stephens.

ABSENT—1,

Ingram.

There being a tie vote,
The President voted nay and
The resolution was lost.
On motion of Senator Frank,
The special order was postponed until 11 o'clock.

On motion of Senator Kimbrough,
By unanimous consent of the Senate, the regular order of business was suspended to take up

Senate bill No. 8, entitled "An act to amend section 14 of an act to amend articles 8 and 14 of an act to redistrict the State into judicial districts and fix the time for holding the courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to create the Fortieth Judicial District of the State of Texas, fix the time for holding court therein, and to provide for the appointment of a district judge for said district, approved March 27, 1885, to create the Forty-fourth Judicial District of the State of Texas, fix the time for holding court therein, and to provide for the appointment of a district judge for said district."

The bill was read the second time and ordered engrossed by unanimous consent of the Senate.

On motion of Senator McDonald,
The constitutional rule requiring bills to be read on three several days was suspended and

The bill was placed on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Davis,
Allen,	Field,
Armistead,	Frank,
Atlee,	Glasscock,
Burney,	Ingram,
Claiborne,	Jarvis,
Cranford,	Simkins,
Kimbrough,	Stephens,
Maetze,	Townsend,
McDonald,	Tyler,
Morris,	Upshaw,
Pope,	Woodward.
Seale,	

NAYS—4.

Douglass,	Lane,
Johnson,	Sims.

The bill was read the third time and

Passed by the following vote:

YEAS—23.

Armistead,	Kimbrough,
Atlee,	Maetze,
Burgess,	McDonald,
Burney,	Morris,
Cranford,	Pope,
Davis,	Seale,
Field,	Simkins,
Frank,	Stephens,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—4.

Allen,	Lane,
Douglass,	Sims.

ABSENT—1.

Claiborne,

On motion of Senator McDonald Senator Johnson was excused from voting on the bill.

The President announced that the hour had arrived for the executive session, and

The Senate went into executive session upon the appointments made by the Governor.

IN SENATE.

On motion of Senator McDonald,

The results of the executive session were ordered spread upon the Journal and the Governor notified of the same, as follows:

The Senate advises and consents to the appointments of

J. M. Moore, Secretary of State.

W. H. King, Adjutant-General.

As Regents of the University—T. D. Wooten, E. J. Simpkins, T. C. Thompson, T. M. Harwood, Seth Shepard, W. L. Prather, G. W. Brackenridge, G. T. Todd.

As Managers of the Lunatic Asylum at Austin—O. Archer, J. W. Brown, H. Hirschfield, J. W. Bitting, G. W. Wheatley.

As Managers of the Lunatic Asylum at Terrell, Texas—J. S. Grinnan, J. H. Muckelroy, John S. Griffith, S. A. Shortridge and H. T. Nash.

As Trustees of Deaf and Dumb Asylum—T. B. Lee, C. Rogers, F. E. Smith, B. C. Wells and A. S. Roberts.

As Trustees of the Blind Institute—Z. T. Fulmore, J. J. Tobin, Joseph Lee, R. S. Harrison and George Warren.

On motion of Senator McDonald,

The executive session was made the special order for next Thursday after morning call.

Senator Lane offered the following resolution:

Resolved, That hereafter the Senate hold executive sessions with open doors, unless otherwise determined by a majority vote of the Senate.

Referred to the Committee on Rules.

Senate bill No. 1, entitled "An act to create the office of State Reporter and to provide for the printing and publishing the Reports of the Supreme Court and of the Court of Appeals of the State of Texas,"

Was laid before the Senate and read the third time.

Senator McDonald moved to amend section 9 by adding after the word "him" in line 9 the following:

The Secretary of State shall be authorized to have advance sheets of any of said reports bound, with paper covers at the State printing office and to sell the same to any person who shall send him two dollars for any given volume, the purchaser to have the right upon returning a sufficient number of advance sheets to make a volume to the Secretary of State to have the same bound as hereinbefore provided free of further expense; provided the purchaser shall pay all the charges of forwarding both ways.

The amendment was adopted by the following vote:

YEAS—28.

Allen,	Jarvis,
Armistead,	Johnson,
Atlee,	Kimbrough,

Burges,
Burney,
Claiborne,
Cranford,
Davis,
Douglass,
Field,
Frank,
Glasscock,
Harrison,
Ingram,

Lane,
Maetze,
McDonald,
Morris,
Pope,
Seale,
Sims,
Stephens,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—1.

Simkins.

Senator Burges moved to amend section 10 by adding thereto

"Or which may be now in course of publication under a contract made in pursuance of existing law, but the same shall be received by the Secretary of State and paid for under the law in force prior to the passage of this act. Provided, that this shall not be construed, as to the Supreme Court Reports, so as to extend their publication under this section beyond the 71st volume, nor as to the Court of Appeals Reports so as to extend their publication under this section beyond the 27th volume."

Adopted by the following vote:

YEAS—28.

Allen,
Armistead,
Atlee,
Burges,
Burney,
Claiborne,
Cranford,
Davis,
Douglass,
Field,
Frank,
Glasscock,
Harrison,
Ingram,

Jarvis,
Johnson,
Kimbrough,
Lane,
Maetze,
McDonald,
Morris,
Pope,
Seale,
Sims,
Stephens,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—1.

Simkins.

(Senator Lane in the chair.)

Senator Johnson moved to amend by striking out two dollars and insert two dollars and fifty cents.

(President in the chair.)

Senator Allen moved to substitute the amendment by saying: "At a price not less than the cost per volume to the State."

On motion of Senator McDonald,
The substitute was tabled.

Senator Claiborne moved to strike out two dollars and fifty cents and say "the net price of production."

Senator McDonald made the point of order that the proposition embraced in Senator Claiborne's amendment had just been voted down.

The point of order was sustained, and

The amendment was ruled out of order.

The amendment offered by Senator Johnson was lost by the following vote:

YEAS—18.

Allen,
Atlee,
Burges,
Claiborne,
Cranford,
Douglass,
Field,
Frank,
Ingram,

Jarvis,
Johnson,
Kimbrough,
Lane,
Maetze,
Morris,
Sims,
Tyler,
Woodward.

NAYS—10.

Armistead,
Burney,
Davis,
Glasscock,
Harrison,

McDonald,
Pope,
Seale,
Stephens,
Upshaw.

ABSENT—1.

Simkins.

Senator Armistead moved the previous question on the passage of the bill.

Seconded.

The main question was ordered and

The bill was passed by the following vote:

YEAS—27.

Allen,
Armistead,
Atlee,
Burney,
Burges,
Cranford,
Davis,
Douglass,
Field,
Frank,
Glasscock,
Harrison,
Ingram,
Jarvis,

Johnson,
Kimbrough,
Lane,
Maetze,
McDonald,
Morris,
Pope,
Seale,
Sims,
Stephens,
Tyler,
Upshaw,
Woodward.

NAYS—1.

Claiborne.

ABSENT—1.

Simkins.

Senator McDonald moved to reconsider the vote just taken and lay that motion on the table.

Adopted.

The President gave notice of signing and did sign in open Senate,

Senate bill No. 17, being "An act making an appropriation to defray the contingent expenses of the Twenty-first Legislature."

Senate bill No. 3, a bill to be entitled "An act to amend an act entitled an act to amend article 318, chapter 4, title 9, of the Penal Code of the State of Texas, passed by the Twentieth Legislature, and approved February 24, 1887,"

Was laid before the Senate,

Read the third time and

Passed by the following vote:

YEAS—18.

Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Glasscock,	Pope,
Harrison,	Sims,
Ingram,	Tyler,
Johnson,	Upshaw,
Kimbrough,	Woodward.

NAYS—9.

Allen,	Frank,
Claiborne,	Jarvis,
Cranford,	Seale,
Douglass,	Stephens.
Field,	

ABSENT—2.

Davis,	Simkins.
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Senator Tyler moved to reconsider the vote just taken and to lay that motion on the table.

Adopted by the following vote:

YEAS—18.

Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Glasscock,	Pope,
Harrison,	Sims,
Ingram,	Tyler,
Johnson,	Upshaw,
Kimbrough,	Woodward.

NAYS—9.

Allen,	Frank,
Claiborne,	Jarvis,
Cranford,	Seale,
Douglass,	Stephens.
Field,	

ABSENT—2.

Simkins,	Davis.
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On motion of Senator Pope,
The Senate adjourned till 10 o'clock to-morrow morning.

TENTH DAY.

SENATE CHAMBER.

AUSTIN, January 18, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Woodward, the reading of the Journal was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stephens:

Petition from the citizens of Wilbarger county praying for a new judicial district.

A petition from citizens of Montague county requesting pay for services rendered the State in defense of the frontier.

By Senator Sims:

Memorial from the citizens of Brownwood, praying for the creation of a railroad commission.

The President submitted the following communication:

AUSTIN, January 17, 1889.

To the Hon. President and Senators Twenty-first Texas Legislature:

GENTLEMEN—With all due deference, I beg to remark, that you have mistaken the object of my memorial, and the concurrent resolution offered in connection therewith.

In regard to the appeal I make for the individual veterans and widows of veterans, who so nobly volunteered and gave me their certificates to locate in Greer county, would that I possessed the language to make it stronger, but it is known to the Senate and the country that their action resulted in the saving of millions of dollars to the State. The honesty of their claims is known already, and their reference to a committee is a mere formality.

All that I have asked in said memorial for myself is a careful investigation of my services and transactions in relation to Greer county from beginning to end.